

## REMARKS

The present Preliminary Amendment is submitted to address the issues raised by the Examiner in connection with an Office Action in parent application 09/327,204, of which the present application is a continuation. In that Action the Examiner rejected claims 1, 4 and 10-13 as being anticipated by Hochman '685, rejected claims 2, 3, 5, 8 and 9 as being unpatentable and obvious over Hochman '685 in view of Denker '513, and rejected claims 6 and 7 as being unpatentable and obvious over Hochman in view of Denker and Bloomfield '931. Addressing the issues raised by the rejections, Applicant traverses the rejection of claims 1, 4 and 10-13 and has amended dependent claim 2 to specifically recite that information inserted at the sender's location includes message tracking data comprising at least one of the accounting, audit and documentation data. New claim 14 adds that limitation to the invention as recited in independent claim 10. It is submitted that none of the references, either alone or in combination, teach or suggest the inclusion of tracking data, and more particularly accounting, audit or documentation data, as part of a data transmission including an image format portion.

Independent claim 1 recites the inclusion of tracking data, while claim 2 as originally presented (erroneously) repeated that limitation. In the rejection of claim 1 by Hochman '685, the Examiner asserted that Hochman discloses a similar system for the transmission and forwarding of facsimile messages with the insertion of tracking data, referencing Fig. 5 and col 5, lines 9-15. Hochman'685 teaches that information regarding the identity of the recipient, including an email address, may be inserted into a transmission in connection with a facsimile transmission. Such information only identifies the intended recipient, and Hochman provides no teaching or suggestion that tracking, as opposed to recipient, data can be inserted.

In rejecting claim 2, the Examiner asserts that Denker, at column 3, lines 1-4, discloses the inclusion of message tracking data. Denker's disclosure literally discloses only that the system "keeps track of all received and transmitted fax messages and controls the forwarding of these messages to the intended recipient." Thus, Denker merely provides a mechanism by which all messages are properly received and forwarded to the intended recipients. There is no disclosure of the methodology by which this is performed, nor whether it encompasses the utilization of any data, much less accounting, audit or documentation data, inserted into the data transmission. Denker is completely silent regarding as to the nature of additional information, if any, inserted at the sender's location. Indeed, Denker suggests otherwise, as it discloses, at column 3, line 61, that a distribution list is sent via fax, email, verbally over the telephone or otherwise to the intermediate fax machine for identification of the intended recipients. This clearly implies a transmission distinct and separate from the fax transmission itself, and is the antithesis of the present invention, wherein recipient information is specifically included as part of the information inserted into the transmission. Further, no other information is disclosed as being provided, either by auxiliary means, to the intermediate fax machine.

Similarly, Bloomfield '931 discloses a facsimile to email communication system, but does not teach or suggest the inclusion of accounting, audit or documentation data in the data transmission including an image format portion. Indeed, Bloomfield at column 12, lines 65 through column 13-18 indicates that the email address of the intended recipient is sent as data separate and apart from the fax or image format data. There is definitely no suggestion that any other type of information is sent in connection with the image, either as part of the image transmission or associated therewith.

The present invention provides the methodology by which such data may be routed to a variety of recipients, and such routing be monitored, accounted for, audited and documented as a result of data accompanying and forming a part of the image transmission. Such allows expanded functionality for facsimile and other image transmission devices, and is neither taught nor suggested by the art of record.

Withdrawal of the rejection and passage to allowance is solicited.

Respectfully submitted,

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**CERTIFICATE UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313 on November 26, 2003.

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